

Application No.: 10/798,018
Amendment dated December 7, 2005
Reply to Office Action of August 23, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes a change to Fig. 4A (replacing element #160 with #162) and the addition of Figs. 4D and 7D.

These sheets, which include Fig. 4A-4D and 7A-7D replace the original sheets containing Figs. 4A-4C and 7A-7C.

Attachment: 2 Replacement Sheets

Application No.: 10/798,018
Amendment dated December 7, 2005
Reply to Office Action of August 23, 2005

REMARKS

Applicant wishes to express gratitude to the Examiner for the indication that claims 4-6 are allowable upon being rewritten in independent form with all of the requirements of the base and intervening claims.

Claims 1-29 were pending in the present application. By virtue of this response, claim 1 is cancelled. Claim 4 is amended to independent form. The remaining claims are amended to correct the dependency in view of the cancellation of claim 1. Claim 23 is also amended to correct a typographical error.

Accordingly, claims 2-29 are currently pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Applicant believes that no new matter is added by way of the amendments made herein.

Interview Summary

Applicant's attorney expresses thanks to the Examiner for the telephone interview of October 26, 2005. Applicant's attorney and the Examiner were the only participants in the interview.

During the interview, no exhibit was shown nor any demonstration conducted.

The parties discussed claims 1, 10, 23, 28 and 29. Applicant's attorney argued that the elements of claims 1, 10, and 23 were not found in the cited references. Applicant's attorney also requested clarification as to the support in the cited references for the rejection of claims 28 and 29.

The Examiner disagreed with the arguments and no consensus was reached at the outcome of the interview.

Concerning the Drawings

The Office Action objected to the drawings under 37 C.F.R. §1.83(a) for failing to show every feature of the invention specified in the claims. Applicant submits amended drawings to recite the distal tip being inserted into the distal portion (see Fig. 4D) and the

Application No.: 10/798,018
Amendment dated December 7, 2005
Reply to Office Action of August 23, 2005

plurality of fasteners being connected (see Fig. 7D). Applicant notes that the specification is amended to reflect the amended drawings.

Support for these amendments is found in the claims as originally filed. In addition, support for the fasteners being connected may be found towards the end of paragraph [0051].

Concerning the Specification

The Office Action objected to the specification under 37 C.F.R. §1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. Applicant disagrees. Applicant notes that support for the fasteners being connected may be found towards the end of paragraph [0051]. In addition, in view of the amendments to the drawings and the accompanying text, applicant believes this objection should be withdrawn.

Rejections under 35 U.S.C. §112, second paragraph

The Office Action rejected claim 23 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant amended claim 23 as noted above and believe this rejection is overcome.

Rejections under 35 U.S.C. §102(b)

Claims 1, 3, 9, 12, 13, 17, 18, 22, and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Justin et al. (U.S. Patent No. 5,980,524).

Applicant disagrees. However, to expedite prosecution of the subject application, applicant amended claim 4 to independent form. Claim 4 and all claims dependent therefrom are believed to be in condition for allowance.

Applicant reserves the right to pursue the subject matter of claim 1 in a continuing application.

Application No.: 10/798,018
Amendment dated December 7, 2005
Reply to Office Action of August 23, 2005

Rejections under 35 U.S.C. §103(a)

Claims 14, 15, and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over DeVries et al. (U.S. Publication No. US-2004-0044364-A1) in view of Richards et al. (U.S. Patent No. 4,669,473) and Hammerslag (U.S. Patent No. 6,287,323).

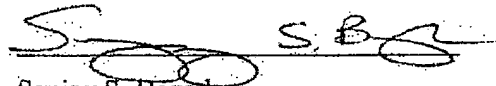
Applicant disagrees. However, as noted above to expedite prosecution of the subject application, applicant amended claim 4 to independent form. Claim 4 and all claims dependent therefrom are believed to be in condition for allowance.

Applicant reserves the right to pursue the subject matter of claim 1 in a continuing application.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,


Sanjay S. Bagade
Registration No. 42,280

Customer No. 40518
Levine Bagade LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4212
Fax: (650) 284-2180